

Police Conduct Oversight Commission

Regular Meeting Minutes

Regular Meeting May 10, 2016

Starting at 6:00 p.m.

350 Fifth Street, Room 241, Minneapolis, MN 55407

Commission Members Present: Andrea Brown (Chair), Andrew Buss, Adriana Cerillo, Amran Farah, Afsheen Foroozan, Jennifer Singleton (Vice Chair), and Laura Westphal.

Commission Members Absent: None

Staff Present: Imani Jaafar - OPCR Director, Ryan Patrick - Police Conduct Operations Supervisor, and Leda Schuster - Commission Clerk.

Chair Brown called the meeting to order at 6:00 p.m.
A quorum of the Commission was present.

Singleton moved to adopt the meeting agenda.

Seconded.

No discussion. All-in-favor. None opposed.

The motion carried.

Westphal moved to adopt the meeting minutes from April 12, 2016.

Seconded.

No discussion. All-in-favor. None opposed.

The motion carried.

PUBLIC COMMENT

Raymond Dehn:

- Indicated that the fourth precinct community is upset by Inspector Friestleben's administrative leave.
- Inspector Friestleben had been working in the community for some time and had made many positive relationships within the community.
- The discipline administered far exceeds the alleged misconduct and he hopes that Chief Harteau has the ability to bring him back to the community.
- A couple of days after the Inspector was placed on leave, there were incidents in the 15th and Morgan area where shootings took place; having Inspector Friestleben back on the job is the best for the community.

Kathy Czech:

- Stated that there are some problems with the mental health report, it gives the impression that it reviews all possible reforms; it does not.
- The title is an issue in that it does not consider what the community is dealing with in that these are real people and real issues.
- Another issue involves reference to Framingham, which is mislabeled or misspelled in the report.
- There is no analysis regarding implementation of programs and how approaches to mental health issues are put together; she hopes that this program is approached in a similar manner to that of the body camera policy.

NEW BUSINESS

Mental Health and Policing

Kaela McConnon, OPCR Policy Analyst, addressed the Commission. The following were the main points from her presentation:

- The biggest change in the recommendation was the addition of the co-responder pilot program model and the working group in the report.
- If the working group is functional it can advise the implementation of the co-responder model.
- More detail on how that program should work is available online.

Recommended Amendments by the Policy and Procedure Committee

Commissioner Singleton addressed the Commission. The following were the main points from her update:

- Stated that the main goal was to get the recommendation and core study out and then break off the working group.
- This would be an ongoing process, but it is the goal to finalize the recommendation for the co-responder model and move the work-group to Commissioner Westphal to make sure the Commission is on the front end of the project.

With the conclusion of the update from Commissioner Singleton, the Chair opened the floor for discussion. The following is a list of speakers and an abstract of their individual comments:

Foroozan - the DOJ document was added to the appendix of the report, which addresses in more detail the benefits that the report may not have addressed with regard to a co-responder model. This is also why the report was bifurcated to generate support and continue developing the working group.

Brown - indicated that this is a large request and reiterated that the intention is to get the pilot program out there; she also suggested that instead of sending the project to one Commissioner, to refer the matter to the Policy and Procedure Committee.

Westphal - stated that she spoke with Chief Harrington and Lieutenant Copeland and they expressed interest in talking with the Commission to see how the program works.

The Chair then recognized Commissioner Singleton and the following motion was made:

Moved to approve the mental health preliminary report and recommendations.

Seconded.

The Chair opened the floor for discussion. With no further discussion on the matter, the Chair called for a voice vote.

All-in-favor. None opposed.

The motion carried.

The Chair then recognized Commissioner Singleton and the following motion was made:

Moved to send to the Policy and Procedure Committee work on the mental health report.

Seconded.

The Chair opened the floor for discussion. With no further discussion on the matter, the Chair called for a voice vote.

All-in-favor. None opposed.

The motion carried.

Introduction to the Civil Rights Equity Division

Cassidy Gardenier, Assistant Director of Civil Rights - Director of Equity, addressed the Commission. The following were the main points from her presentation:

- Brief introduction to the department and staff members Aaron Brink-Johnson and Brittany Rice.
- The Uneven Pain Report related to economic and employment disparities was released by the Economic Policy Institute in 2010.
- Resolution 2012R-456: Supporting Equity in Employment in Minneapolis and the Region passed, which created the Civil Rights Equity Division.
- The current work of the department includes equitable service delivery, the Urban Scholars program, and special projects, which are designed to lift the work out of efforts and institutionalize them.

- Employment efforts focus on the Urban Scholar program and what to do with civil rights and pushing past racial equity.
- In 2013 several members of the City Council began speaking about racial equity; the City's goals and values did not align.

With the conclusion of Ms. Gardenier's presentation, the Chair opened the floor for discussion. The following is a list of speakers and an abstract of their individual comments:

Brown - asked how the bottom-up model contrasts with MPD's top-down model and if CRED has been contacted by anyone from the National Initiative and if not, she will help facilitate that contact.

Gardenier - indicated that she had not been contacted by the National Initiative.

Community Outreach - Cinco de Mayo

Commissioner Westphal addressed the Commission. The following were the main points from her update:

- This is an effective outreach opportunity; the Commission needs to continue participation.
- Were able to meet the police officers, who expressed interest in the Commission, which included Metro Transit, bicycle police, and St. Paul officers.
- For the 2017 festival it would be beneficial to look into a better location to facilitate conversation and better contact with the public.

With the conclusion of Commissioner Westphal's update, Commissioner Cerrillo addressed the Commission. The following were the main points from her update:

- Expressed disappointment that neither Chief Harteau nor MPD leadership was in attendance at the festival.

With the conclusion of the update from the Commissioners, the Chair opened the floor for discussion. The following is a list of speakers and an abstract of their individual comments:

Brown - asked if the MPD bicycle police had their truck with them indicated that she will contact them and try to have that near the PCOC booth next year; they fix bicycles, distribute helmets for children, and have games available.

Cerrillo - stated that there is another Latino celebration on September 15, 2016 suggesting that the PCOC can pair with them at that event.

Body Camera Meeting Discussion - Body Camera Position Statement

Commissioner Singleton addressed the Commission. The following were the main points from her update:

- At the April meeting the Policy and Procedure Committee spent time drafting language with the idea that the statement would be distributed at Saturday's forum and provides a clear statement of the PCOC's position.
- Page one provides background information of the formation of the study, which includes the request from Mayor Hodges and Chief Harteau and ultimately the Memorandum of Understanding between the groups.
- During the summer of 2015 the PCOC conducted research in what other jurisdictions were doing and conducted community listening sessions.
- In September 2015 the PCOC voted and forwarded the report to Chief Harteau and submitted it to the City Council's Public Safety Committee.
- In March 2016 the PCOC was provided the MPD's draft policy.
- Page two of our statement urges Chief Harteau to implement the PCOC recommendations stressing the importance of this because the MPD asked for PCOC assistance.
- The statement also lists the key points, or differences, between the MPD draft and the PCOC recommendations.

With the conclusion of the update from Commissioner Singleton, the Chair opened the floor for discussion. The following is a list of speakers and an abstract of their individual comments:

Foroozan - the timeline is clear for those who are not familiar with how the project started and the PCOC became involved, indicating that it is important to make it clear to the public that the PCOC is not just idle, but are trying to build a bridge and move forward with body camera policy.

Brown - stated that Chief Harteau will be at the June 2016 PCOC meeting. Additionally, she extended a meeting request to Chair Brown and Vice Chair Singleton on May 31, 2016. The Chair requested that the other Commissioners to submit their individual comments to her no later than May 27, 2016 for inclusion at the meeting. The Chair also asked if there were any MPD upper management or deputy chief's present at the Cinco de Mayo event.

Westphal - indicated that Deputy Chief Arradondo was present at the Cinco de Mayo event for a short period of time.

Brown - expressed disappointment in that the MPD asks for participation but then fails to attend public events.

Foroozan - stated that members of the public have raised issues in who attends meetings and felt it appropriate that Chair Brown and Vice Chair Singleton represent the PCOC at the upcoming meeting with Chief Harteau.

The Chair then recognized Commissioner Singleton and the following motion was made:

Moved to adopt this as the position statement of the PCOC.

Seconded.

The Chair opened the floor for discussion. The following is a list of speakers and a brief abstract of their individual comments:

Buss - expressed overall agreement but disagrees with item number three, which states that if an officer does not turn their camera on the even should be directly referred to discipline and immediately presumes the officer did something wrong.

Brown - stated that she did not feel that failure to activate a camera was an automatic presumption, but in her professional life as a public defender it becomes annoying when video footage disappears or is unavailable for whatever reason; mistakes are made but it puts the burden on the officer.

Foroozan - stated that his position would be to keep that portion in because it was a best practices recommendation and the public expects the PCOC to stand behind their recommendations; this would be revising a recommendation after the first draft was rejected.

Westphal - expressed agreement with Foroozan.

Singleton - expressed agreement on two levels, first it is because it was what the PCOC recommended and second, it is a good way to put the burden on the officer and is a rebuttable presumption.

Buss - indicated that he does not disagree with the intent, but the wording, even though a rebuttable argument; it does not sit well.

With no further discussion on the matter, the Chair calls for a voice vote.

All-in-favor. Commissioner Buss opposed.

The motion carried.

Committee Reports - Outreach Committee

Commissioner Westphal addressed the Commission. The following were the main points from her update:

- The report is available online the update on CIT training was inadvertently omitted.
- Did not feel that the training was useful, however there was a small bit of role-playing, which was helpful.
- The role-playing, although useful, omits outside or ambient noise.
- It is clear that CIT is not sufficient in any way and because the training is mandatory for the officer; very few participants were actively engaged in the process.
- On the last day of training representatives from COPE and Child Protective Services were present, which was valuable.

With the conclusion of the update from Commissioner Westphal, the Chair opened the floor for discussion. The following is a list of speakers and an abstract of their individual comments:

Brown - asked if this would be something that is appropriate to share.

Westphal - stated that Officers Schoenberger and Yang want to implement better CIT training and direct it at officers that are interested in the topic.

Committee Reports - Policy and Procedure Chair Report

Commissioner Singleton addressed the Commission. The following were the main points from her update:

- Two main topics at the meeting included the mental health response study and the body camera positions statement.
- The Committee also discussed the MPD policy and procedure manual project.
- Met with Commander Case and Ryan Patrick; now have a good idea of how to take on that project and make sure everything is uniform and getting into the substantive policy and any changes the PCOC can recommend.
- Has become aware that the National Initiative is embarking on a similar project and are trying to make sure the efforts are not overlapping.
- There was also discussion on the Chief's performance review and the framework; which will be available at the next meeting.
- Have reorganized the issue tracking queue, which tracks issues and completed projects and is available on the Policy and Procedure webpage.

With the conclusion of the update from Commissioner Singleton, the Chair opens the floor for discussion. The following is a list of speakers and an abstract of their individual comments:

Brown - indicated that she is very aware of the amount of time and effort in these projects stating that if the PCOC does not hear from someone from the National Initiative to please let her know and she will contact them.

Singleton - stated that she will make sure that the two groups are coordinating efforts.

Buss - announced that the Audit Committee will be meeting next month, which will be the Committee's first meeting and will include an overview on the function of the Committee and how framework will be set when looking at future research and study projects.

UNFINISHED BUSINESS

2016 Selected Case Summaries: March Case(s) 3, 5, and 6 and April Case(s) 5, 7, and 10

The Chair opened the floor for discussion on case summary data three from March 2016. The following is a list of speakers and an abstract of their individual comments:

Westphal - stated that it was fascinating that it took seven officers to get an individual under control and someone looks beaten or harassed for filming; Deputy Chief Arradondo talked about policy involved with filming police.

Singleton - indicated that filming of officers is charged as obstruction.

The Chair then recognized Commissioner Singleton and the following motion was made:

Moved to refer case number three from March 2016 to the Policy and Procedure Committee.
Seconded.

The Chair opened the floor for discussion. The following is a list of speakers and a brief abstract of their individual comments:

Buss - stated that this is more of an issue than just being filmed; the officer stated that the individual was too close.

Brown - indicated that this is more than a local issue; citizens can record police officers.

With no further discussion on the matter, the Chair calls for a voice vote.

All-in-favor. None opposed.

The motion carried.

The Chair opened the floor for discussion on case summary data six from March 2016. The following is a list of speakers and an abstract of their individual comments:

Westphal - indicated that the subject of the incident had a no-contact order and was treated in a demeaning fashion; this was a big issue for the subject and not just another call.

Brown - expressed distrust in the statement that the officer threatened to kick in the garage doors; the subject was dealing with a crisis expressing uncertainty if a social worker would be helpful in this type of situation.

The Chair opened the floor for discussion on case summary data seven from April 2016. The following is a list of speakers and an abstract of their individual comments:

Singleton - stated that this case is related to bicyclists and the officer involved misapplied the law.

The Chair then recognized Commissioner Singleton and the following motion was made:

Moved to refer case number seven from April 2016 to the Policy and Procedure Committee. Seconded.

The Chair opened the floor for discussion. With no further discussion on the matter, the Chair called for a voice vote.

All-in-favor. None opposed.

The motion carried.

The Chair opened the floor for discussion on case summary data ten from April 2016. The following is a list of speakers and an abstract of their individual comments:

Brown - found this case interesting in that it was referred to the PCOC for review but the incident is a workplace incident and is not interested in referring it to the Policy and Procedure Committee for tracking.

Westphal - stated that the complaint should be in the queue for six or seven reasons.

Singleton - had no comment with regard to the case but indicated that in respect to the workplace issue it is purely an Internal Affairs issue.

Jafaar - this case is not falling under one of the older categories; it is a shift in what was previously happening. In this case the officer filed a complaint and this is the route they chose to deal with the conflict.

Farah - found it interesting that the officer decided to file a complaint in this way.

Patrick - stated that if an officer decided to file a complaint this way, then there may be more than a disagreement and this route could have more effect or results; the complaint would be subsequently routed to the OPCR for review by the Joint Supervisors.

With no further discussion on the matter, the Chair moved to the next item on the agenda.

Audit Summary and New Case Selection

Buss:	4, 5, 7	Singleton:	7, 8, 10
Cerrillo:	5, 7, 10	Westphal:	4, 8, 10
Farah:	4, 5, 7	Brown:	1, 4, 10
Foroozan:	Absent for Vote		

Chair Brown indicates the new case selections for discussion at the June 2016 meeting are **case numbers 4, 7, 10** as the top picks, which were then selected by **unanimous consent of the Commissioners**.

With no further discussion on the matter, the Chair moved to the next item on the agenda.

ADJOURNMENT

With all of the Commission's business concluded, the Chair entertained a motion:

Buss moved to adjourn.

Seconded.

All-in-favor. None opposed.

The motion carried.

Chair Brown adjourned the meeting at 7:29 p.m.